

James M. Cleavenger, JD, LLM
jamescleavenger@hotmail.com
405 E. 8th Ave. #5700
Eugene, OR 97401
Tel: (503) 990-9368

11/16/2013

Re: Notice of Lawsuit
Sent by Certified Mail and Email

To: Jens Schmidt;

As I believe you may already be aware, a lawsuit has been filed against you (or your employees/agents, or clients) in Federal District Court. The case number is: 6:13-cv-01908-TC. The lawsuit is in connection with the employment of James Cleavenger with the University of Oregon Police Department (formerly the University of Oregon Department of Public Safety), and the actions and/or inactions of the department, the university, and their employees/agents, to include defendants Carolyn McDermid (UOPD Chief), Michael Morrow (UOPD Professional Standards & Internal Affairs Lieutenant), Brandon Lebrecht (UOPD Lieutenant), and Scott Cameron (UOPD Sergeant), as well as Linda L. King (former UofO Associate Vice President for Human Resources), Randy Wardlow (former UofO Employee and Labor Relations Manager), and Brian Caufield (OUS Associate General Counsel for Labor & Employment). This letter is intended to serve as a notice of tort claims for damages, pursuant to ORS 30.275 and 30.260 to 30.300.

Date of Incident(s):

A continuous pattern of harassment, retaliation, disparate treatment, defamation, and discriminatory and illegal practices within working conditions, starting on or about October 2011, ongoing through April 2013. Claims include federal causes of action under 42 U.S.C. § 1983 (First, Fourth and Fourteenth Amendments) and additional causes of action based on Oregon state law claims arising out of the same nucleus of operative facts.

Location(s):

Incidents occurred at the University of Oregon Police Department (formerly University of Oregon Department of Public Safety), 6220 University of Oregon, Eugene, OR 97403, located on the campus of the University of Oregon in Eugene, Oregon, 1226 University of Oregon, Eugene, OR 97403, and at the University of Oregon Office of Human Resources, 5210 University of Oregon, Eugene, OR 97403. All locations are within Lane County, Oregon.

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11/16/2013

Re: Notice of Lawsuit
Sent by Certified Mail and Email

To: Kate Grado;

As I believe you may already be aware, a lawsuit has been filed against you (or your employees/agents, or clients) in Federal District Court. The case number is: 6:13-cv-01908-TC. The lawsuit is in connection with the employment of James Cleavenger with the University of Oregon Police Department (formerly the University of Oregon Department of Public Safety), and the actions and/or inactions of the department, the university, and their employees/agents, to include defendants Carolyn McDermid (UOPD Chief), Michael Morrow (UOPD Professional Standards & Internal Affairs Lieutenant), Brandon Lebrecht (UOPD Lieutenant), and Scott Cameron (UOPD Sergeant), as well as Linda L. King (former UofO Associate Vice President for Human Resources), Randy Wardlow (former UofO Employee and Labor Relations Manager), and Brian Caulfield (OUS Associate General Counsel for Labor & Employment). This letter is intended to serve as a notice of tort claims for damages, pursuant to ORS 30.275 and 30.260 to 30.300.

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11/16/2013

Re: Notice of Lawsuit
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To: OUS Chief Risk Officer;

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11/16/2013

Re: Notice of Lawsuit
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To: University of Oregon Office of Risk Management;

As I believe you may already be aware, a lawsuit has been filed against you (or your employees/agents, or clients) in Federal District Court. The case number is: 6:13-cv-01903-TC. The lawsuit is in connection with the employment of James Cleavenger with the University of Oregon Police Department (formerly the University of Oregon Department of Public Safety), and the actions and/or inactions of the department, the university, and their employees/agents, to include defendants Carolyn McDermid (UOPD Chief), Michael Morrow (UOPD Professional Standards & Internal Affairs Lieutenant), Brandon Lebrecht (UOPD Lieutenant), and Scott Cameron (UOPD Sergeant), as well as Linda L. King (former UofO Associate Vice President for Human Resources), Randy Wardlow (former UofO Employee and Labor Relations Manager), and Brian Caufield (OUS Associate General Counsel for Labor & Employment). This letter is intended to serve as a notice of tort claims for damages, pursuant to ORS 30.275 and 30.260 to 30.300.

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11/16/2013

Re: Notice of Lawsuit
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To: Carolyn McDermid, Michael Morrow, Brandon Lebrecht, and Scott Cameron;

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11/16/2013

Re: Notice of Lawsuit
Sent by Certified Mail and Email

To: Linda King and Randy Wardlow (C/O UofO Human Resources);

As I believe you may already be aware, a lawsuit has been filed against you (or your employees/agents, or clients) in Federal District Court. The case number is: 6:13-cv-01908-TC. The lawsuit is in connection with the employment of James Cleavenger with the University of Oregon Police Department (formerly the University of Oregon Department of Public Safety), and the actions and/or inactions of the department, the university, and their employees/agents, to include defendants Carolyn McDermid (UOPD Chief), Michael Morrow (UOPD Professional Standards & Internal Affairs Lieutenant), Brandon Lebrecht (UOPD Lieutenant), and Scott Cameron (UOPD Sergeant), as well as Linda L. King (former UofO Associate Vice President for Human Resources), Randy Wardlow (former UofO Employee and Labor Relations Manager), and Brian Caufield (OUS Associate General Counsel for Labor & Employment). This letter is intended to serve as a notice of tort claims for damages, pursuant to ORS 30.275 and 30.260 to 30.300.

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11/16/2013

Re: Notice of Lawsuit
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To: Brian Caufield;

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11/16/2013

Re: Notice of Lawsuit
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To: Office of the General Counsel, Attn: Randy Geller;

As I believe you may already be aware, a lawsuit has been filed against you (or your employees/agents) in Federal District Court. The case number is: 6:13-cv-01908-TC. The lawsuit is in connection with the employment of James Cleavenger with the University of Oregon Police Department (formerly the University of Oregon Department of Public Safety), and the actions and/or inactions of the department, the university, and their employees/agents, to include defendants Carolyn McDermid (UOPD Chief), Michael Morrow (UOPD Professional Standards & Internal Affairs Lieutenant), Brandon Lebrecht (UOPD Lieutenant), and Scott Cameron (UOPD Sergeant), as well as Linda L. King (former UofO Associate Vice President for Human Resources), Randy Wardlow (former UofO Employee and Labor Relations Manager), and Brian Caufield (OUS Associate General Counsel for Labor & Employment). This letter is intended to serve as a notice of tort claims for damages, pursuant to ORS 30.275 and 30.260 to 30.300.

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Circumstances and Claims:

Plaintiff Cleavenger's claims include, but are not limited to the following:

1. Retaliation for his participation in protected union activities, including filing grievances.
2. Retaliation for reporting or attempting to report what he believed in good faith to be unlawful and/or prohibited acts of his supervisors.
3. Retaliation for reporting or attempting to report what he believed in good faith to be acts of harassment, discrimination, disparate treatment, waste, and/or retaliation.
4. Intentional Infliction of Emotional Distress.
5. Defamation.
6. Wrongful Discharge (termination without just cause).
7. Violations of Plaintiff's First Amendment rights (Free Speech) under 42 U.S.C. § 1983.
8. Violations of Plaintiff's Fourth and Fourteenth Amendment rights (Substantive Due Process) under 42 U.S.C. § 1983.
9. Violations of Plaintiff's Fourth and Fourteenth Amendment rights (Procedural Due Process) under 42 U.S.C. § 1983.
10. Multiple violations of SEIU/UofO Collective Bargaining Agreement (employment contract).
11. Multiple violations of University of Oregon Department of Public Safety policy.
12. Multiple violations of ORS 236.360 and other state statutes.

The specific circumstances underlying these aforementioned claims and allegations can be found in the attached PDF file "First Amended Complaint," and online through the CM/ECF system at the U.S. District Court for the District of Oregon's website (<https://ecf.ord.circ9.dcn/cgi-bin/ShowIndex.pl> or <https://ecf.ord.circ9.dcn/cgi-bin/CourtInfo.pl>) by searching for civil case number 6:13-cv-01908-TC. Copies have also been sent to all named parties and all known/potential counsel, via certified mail and email. Additional hard-copies are also available upon request to the Plaintiff.

Damages:

Plaintiff seeks declaratory, injunctive, and monetary relief, including compensatory and punitive damages, and reasonable attorney fees and costs, in order to redress Plaintiff's federally protected and state statutory and common law rights, as further outlined in the Complaint.

Service:

It is currently unclear what the preferred and most expeditious manner of service of summons may be. Attached is a *Form AO 398 - Notice of Lawsuit and Request to Waive Service of a Summons*. Please advise as to how service of process in this case would be preferred. I assume it would be preferred that individual defendants *not* be served at their home residences? If so, can someone please complete and return a copy of the AO 398 Form, or advise as to where service of process/summons should be directed?

* Page 3 for All

I am currently handling this litigation pro se, but I am in the process of retaining additional outside counsel. If and when additional counsel has been retained, notice shall be sent to all parties. In the meantime, feel free to contact me directly with any questions. My preferred method of contact is via email (jamescleavenger@hotmail.com).

Sincerely,

s/ James M. Cleavenger

James M. Cleavenger, JD, LLM
Pro Se Plaintiff (WSB#41398)
405 E. 8th Ave. #5700
Eugene, Oregon 97401
(503) 990-9368
jamescleavenger@hotmail.com

cc: All named parties and entities, and all known/potential counsel, via certified mail and email.

Attachments: PDF copy of Complaint in 6:13-cv-01908, Form AO 398.

Made for each defendant

UNITED STATES DISTRICT COURT

for the
District of Oregon

James M. Cleavenger

Plaintiff

v.

University of Oregon, et al

Defendant

Civil Action No. 6:13-cv-01908-TC

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: All Defendants (c/o: University of Oregon Office of General Counsel)

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 11/16/2013

s/ James M. Cleavenger

Signature of the attorney or unrepresented party

James M. Cleavenger

Printed name

405 E. 8th Ave. #5700
Eugene, OR 97401

Address

jamescleavenger@hotmail.com

E-mail address

503-990-9368

Telephone number

OREGON STANDARD TORT CLAIM FORM

Claimant Information	1. Claimant name: _____ Last Name First Middle Date of Birth (mm/dd/yyyy)
	2. Current residential address: _____
	3. Mailing address (if different): _____
	4. Claimant's telephone number: Home _____ Alternate _____
	5. Claimant's email address: _____
Incident Information	6. Date of Incident: _____ Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
	7. Location of incident: _____
	8. Description of incident:
	9. Police report? <input type="checkbox"/> yes <input type="checkbox"/> no If yes, please provide the report number and the police agency name (City, County or State) Report Number: _____ Police Agency Name: _____
State Agency	10. Name of State agency involved and why you believe they are responsible for your damage/injury.
	11. Name of employee (if applicable): _____
Damages	12. If injuries occurred, please complete the bodily injury questionnaire.
	13. If property damage occurred, describe it below and list and provide photographs and 2 estimates.
Witnesses	14. Witness name, address, phone number and relationship: _____ _____ _____ _____

OREGON STANDARD TORT CLAIM FORM

Bodily Injury Questionnaire: IMPORTANT: We are required by federal law to obtain the information in questions 16 through 20. Failure to provide this information will result in delays in resolving your claim. You can find further information at [Medicare Secondary Payer Recovery Contractor \(MSPRC\) - Home](#).

Bodily Injury Questionnaire	15. Last Name	First name	Middle initial
	16. Date of Birth (mm/dd/yyyy)	17. Gender <input type="checkbox"/> M <input type="checkbox"/> F	18. Social Security number
	19. Are you a Medicare beneficiary?	<input type="checkbox"/> Yes <input type="checkbox"/> No	20. If so, provide HICN (required by federal law)
	21. Is this related to an auto accident? (If no, skip to question 25) <input type="checkbox"/> Yes <input type="checkbox"/> No		
	22. If yes, where were you seated in vehicle? <input type="checkbox"/> Driver <input type="checkbox"/> Front right passenger <input type="checkbox"/> Rear right passenger <input type="checkbox"/> Rear left passenger <input type="checkbox"/> Other _____		
	23. Seatbelt used? <input type="checkbox"/> Yes <input type="checkbox"/> No What kind? <input type="checkbox"/> Lap <input type="checkbox"/> Shoulder <input type="checkbox"/> None		
	24. Did the airbag deploy? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	25. Describe your injury:		
	26. When did you first notice you were injured?		
	27. Have you sought medical treatment? <input type="checkbox"/> Yes <input type="checkbox"/> No 28. If yes, list the medical providers you have seen:		
	29. Approximate amount of medical costs incurred to date:		
	30. Is future treatment expected? <input type="checkbox"/> Yes <input type="checkbox"/> No 31. If yes, explain:		
	32. Do you have any prior injuries to the injured body part(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No 33. If yes, explain:		
	34. Do you have any other health issues (such as diabetes, arthritis, etc)? <input type="checkbox"/> Yes <input type="checkbox"/> No 35. If yes, explain:		
	36. Any other information you would like to provide to us:		

OREGON STANDARD TORT CLAIM FORM

Additional information:

Per ORS 30.275, Risk Management must receive your claim within 180 days from the date of loss.

I declare the foregoing is true and correct to the best of my knowledge.

Signature of claimant _____ Date _____

PRINT

SUBMIT

KAFOURY & McDOUGAL

GREGORY KAFOURY
MARK McDOUGAL
NATALIE McDOUGAL
JASON KAFOURY

LAWYERS
Grand Stable & Carriage Building
411 S.W. 2nd Avenue
Suite 200
Portland, Oregon 97204

Of Counsel:
LINDA K. WILLIAMS
Telephone: 503-224-2647
Facsimile: 503-224-2673
www.kafourymcdougal.com

December 10, 2014

VIA FAX & US MAIL:
1-503-373-7643

Director
Oregon Department of Administrative Services
155 Cottage Street, NE U20
Salem, Oregon 97301-3972

VIA FAX & US MAIL:
541-346-7008

University of Oregon
Office of Risk Management
1260 University of Oregon
Eugene, Oregon 97403-1260

VIA FAX & US MAIL:
541-686-6564

Jens Schmidt
Harrang Long Gary Rudnick, PC
360 E. 10th Avenue, Suite 300
Eugene, Oregon 97401

Re: Our client: James Cleavenger
Date of Incident: On or about June 17, 2014
Place of Incident: University of Oregon campus

Greetings:

This is a tort claim notice pursuant to ORS 30.265, *et seq.*

On or about the above date, agents and employees of the University of Oregon who worked for the police department sent a package of documents to the Lane County District Attorney concerning James Cleavenger. The documents contained inaccurate information and were sent for the purpose of retaliating against James Cleavenger for his prior activities in reporting misconduct by the police department, prevailing in an arbitration against the police department, and having filed a lawsuit against the police department and individuals within the police department.

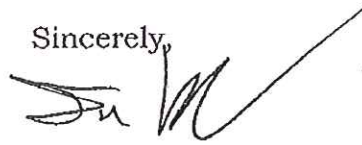
Oregon Department of Administrative Services
University of Oregon
Office of Risk Management
Jens Schmidt
December 10, 2014
Page 2

The above-described conduct violated Oregon employment statutes, and interfered with James Cleavenger's prospective employment.

A claim for damages is hereby asserted against each individual involved in this matter, and against the entity itself; compensation is hereby demanded.

The claimant is James Cleavenger, and correspondence for the claim should be addressed to this firm at the address on the letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Kafoury', with a long, sweeping horizontal line extending to the right.

Jason Kafoury

JK: dch

**** Transmit Confirmation Report ****

P.1

KAFOURYMCDUGAL

Fax: 5032242673

Dec 10 2014 03:15pm

Name/Fax No.	Mode	Start	Time	Page	Result	Note
915033737643	Fine	10,03:11pm	2'16"	2	O K	BrdCast
915413467008	Fine	10,03:13pm	0'45"	2	# O K	BrdCast
915416866564	Fine	10,03:14pm	0'27"	2	# O K	BrdCast

GREGORY KAFOURY
MARK McDOUGAL
NATALIE McDOUGAL
JASON KAFOURY

KAFOURY & McDOUGAL

LAWYERS
Grand Stable & Carriage Building
411 S.W. 2nd Avenue
Suite 200
Portland, Oregon 97204

Of Counsel:
LINDA K. WILLIAMS
Telephone: 503-224-2647
Facsimile: 503-224-2673
www.kafourymcdougal.com

December 10, 2014

VIA FAX & US MAIL:
1-503-373-7643

Director
Oregon Department of Administrative Services
155 Cottage Street, NE U20
Salem, Oregon 97301-3972

VIA FAX & US MAIL:
541-346-7008
University of Oregon
Office of Risk Management
1260 University of Oregon
Eugene, Oregon 97403-1260

VIA FAX & US MAIL:
541-686-6564
Jens Schmidt
Harrang Long Gary Rudnick, PC
360 E. 10th Avenue, Suite 300
Eugene, Oregon 97401

Re: Our client: James Cleavenger
Date of Incident: On or about June 17, 2014
Place of Incident: University of Oregon campus

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